

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

J. CONSTANCIO ZAPATA,	§	
	§	
Plaintiff	§	
	§	
v.	§	Civil No. 3:07-CV-98-K (BH)
	§	
COMMISSIONER OF SOCIAL	§	
SECURITY ADMINISTRATION,	§	
	§	
Defendant.	§	

**ORDER**

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the of the United States Magistrate Judge, I am of the opinion that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct and are adopted as the Findings and Conclusions of the Court. The Government filed a Notice to the Court on May 20, 2008, and has stated that no response to the Findings, Conclusions, and Recommendation of the Magistrate Judge, will be filed.

It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are adopted. Accordingly, Plaintiff's motion for summary judgment is hereby **GRANTED**, and Defendant's motion for summary

judgment is hereby **DENIED**. Accordingly, the decision of the Commissioner is hereby **REVERSED** and that this case is **REMANDED** to the Commissioner for further consideration .

SO ORDERED.

Signed: May 20<sup>th</sup>, 2008.

A handwritten signature in black ink, reading "Ed Kinkeade", written in a cursive style.

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ED KINKEADE  
UNITED STATES DISTRICT JUDGE